IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 20358 of 2004

Between:

K.S. Sai Kishore, S/o K. Venkateswarlu,

Trained Graduate Teacher,
A.P. Tribal Welfare Residential School, Laltekdi at Utnoor,
Adilabad District.

..... PETITIONER

AND

1 The Secretary ,

A.P. Tribal Welfare Residential Educational Institutions Society,
Gurukulam, Telugu Sankshema Bhavan,

MasabTank, Hyderabad.
2 R. Prabhakar Rao,
A.P. Tribal Welfare Residential School/Junior College,

Sudimalla, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass orders, particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in not consider the case of the petitioner for promotion as Post Graduate Teacher while promoting his junior as arbitrary, illegal, discriminatory, malafide and violative of Articles 14, 16 and 21 of the constitution of India, and consequently direct the Respondents to promote the petitioner as Post Graduate Teacher and also as Junior Lecturer from the date of promotion of the 2nd respondent who is his junior with all the benefits.

Counsel for the Petitioner: Mr. KASAJAGANMOHAN REDDY

Counsel for the Respondents: MR.G.CHANDRAIAH

The Court at the admission stage made the following ORDER:

The petitioner is working as a trained Graduate Teacher in the respondent-Society. He was issued a charge sheet on 23-09-2003 regarding certain allegations and enquiry is still pending. The grievance of the petitioner is that some of his juniors have been given promotion as Post Graduate Teachers, whereas, he was not considered on the ground that enquiry is pending against him. The petitioner further contends that the respondent-Society is proposing to hold counseling for the Post Graduate Teachers and Junior Lecturers on 08-11-2004. But, in the list of candidates required to attend for counseling, the name of the petitioner is not included. The petitioner, therefore, approached this Court through this Writ Petition seeking to direct the respondents to consider his case for promotion as a Post Graduate Teacher and Junior Lecturer.

According to the petitioner, counseling is going to be held on 08-11-2004. It is for the concerned committee to consider the eligibility and the desirability of appointing the petitioner as a Post Graduate Teacher or as a Junior Lecturer. A specific direction to appoint the petitioner as a Post Graduate Teacher cannot be given without going into the aspects regarding the merit and eligibility and etc., If the pendency of the enquiry is the only cause for the respondents to deny the opportunity to the petitioner to attend the counseling on 08-11-2004, the respondents are directed to follow the instructions given in G.O.Ms.No.257 dated 10-06-1999 and permit the petitioner to attend the counseling to be held on
08-11-2004 and to consider the candidature of the petitioner along with the other candidates for the purpose of selection and appointment as Post Graduate Teachers and Junior Lecturers.

Having regard to the above circumstances, the 1st respondent is directed to consider the case of the petitioner for counseling on 08-11-2004 for the post of Post Graduate Teacher, in the light of the G.O.Ms.No. 257 dated 10-06-1999, enabling the committee to examine the case of the petitioner also along with others and to prepare the list of selected candidates.

Accordingly, the Writ Petition is disposed of.

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(Dr.G.YETHIRAJULU,J)

5th November, 2004.

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To

1 The Secretary ,

A.P. Tribal Welfare Residential Educational Institutions Society,
Gurukulam, Telugu Sankshema Bhavan,

MasabTank, Hyderabad.

2 Two CD Copies.